

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6731**

**BILL NUMBER:** SB 347

**NOTE PREPARED:** Apr 4, 2013

**BILL AMENDED:** Apr 2, 2013

**SUBJECT:** Child Solicitation.

**FIRST AUTHOR:** Sen. Head

**FIRST SPONSOR:** Rep. McMillin

**BILL STATUS:** As Passed House

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** *(Amended) Child Solicitation:* This bill increases the penalty for child solicitation to a Class B felony if a person solicits the child to engage in sexual intercourse or deviate sexual conduct and the person: (1) has a previous conviction; or (2) travels to meet the child after using a computer network to solicit the child.

*Social Networking:* The bill prohibits sex offenders, as a condition of probation, parole, or participation in a community transition program, from using social media to contact a child less than 16 years of age, makes it a Class A misdemeanor if the person knowingly or intentionally violates this condition, and increases the penalty to a Class D felony if the person has a prior unrelated conviction for a violation of this provision.

The bill provides a defense if the person reasonably believed that the child was at least 16 years of age.

The bill specifies that a person at least 18 years of age can commit the offense of inappropriate communication with a child. (Under current law, the offense can only be committed by a person at least 21 years of age.)

The bill increases the penalty for inappropriate communication with a child if the person has a prior unrelated conviction for a sex offense.

*Study Committee:* The bill urges the Legislative Council to assign to the Criminal Law and Sentencing Policy Study Committee or another existing study committee the topic of the collection of crime and delinquency data.

**Effective Date:** Upon passage; July 1, 2013; July 1, 2014.

**Explanation of State Expenditures:** The bill specifies conditions under which the crimes of child molesting, child exploitation, child solicitation, and child seduction while using a computer would apply. The bill narrows somewhat the offenses. However, it is unknown how many people might be convicted of the revised offenses.

The penalties involve Class A misdemeanor, and Class B, C, and D felony offenses. A Class D felony is punishable by a prison term of 6 months to 3 years, depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging between 2 and 8 years. A Class B felony is punishable by a prison term ranging from 6 to 20 years.

The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately 2 years, approximately 3.7 years for Class B felony offenders, and approximately 10 months for Class D felony offenders.

The average expenditure to house an adult offender was \$18,582 in FY 2012. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$78,318 in FY 2012.

(Revised) *Study Committee:* This bill urges the Legislative Council to assign the topic of the collection of crime and delinquency data to the Criminal Law and Sentencing Policy Study Committee or another existing study committee. Additional expenditures could occur if the study of these topics resulted in additional per diem or travel expenditures for committee members. However, the total expenditures of the committee must still be within the existing budget established by the Legislative Council for interim study committees.

The committee is to consider:

1. The extent to which certain crimes, including sex crimes and crimes of domestic violence are underreported to law enforcement.
2. Evidence showing that children who are victims of sex crimes or crimes of domestic violence are particularly reluctant to report these crimes to law enforcement.

**Explanation of State Revenues:** The bill could affect revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees). The maximum fines for a Class D, C, or B felony is \$10,000.

**Explanation of Local Expenditures:** If defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may change. However, any changes would likely be small.

**Explanation of Local Revenues:** Court fees for all criminal convictions are \$120. However, any changes would likely be small.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association, Department of Correction.

**Fiscal Analyst:** Chuck Mayfield, 317-232-4825.